



Community guide to Responding to the Draft National Planning Framework 4

To help you to respond to this important consultation!

Produced by Planning Democracy

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Why have we produced this guide?

The Fourth National Planning Framework (NPF4) is an important document, it will affect planning decisions for the next 10 years. People have told us it is not easy to find the time to respond to this high level long and complicated Government consultation, so we have devised this guide to try to help you.

We have drawn on other's expertise to provide suggested answers to many of the questions as such it reflects the voice of some environmental organisations as well as Planning Democracy.

Why we need you to respond to the consultation on draft NPF4.

Because the environment and communities need a stronger voice in the planning world!

Together we need to motivate the Scottish Government to strengthen the draft document for more just and sustainable planning decisions.

The finished NPF4 is expected to be published in summer 2022, after approval by the Scottish Parliament. NPF4 will guide planning decisions and local plans for the next **decade**.

Getting the wording right for future planning policies is crucial in ensuring decision makers, including local authority planners, councillors and Scottish Government Reporters are given a clear steer to make the best decisions.

Tackling key issues such as climate change and biodiversity loss are aspirations clearly voiced in this document, but which are not necessarily going to be achieved unless we strengthen some of the policies to make requirements more robust and reduce the number of get out clauses.

Continuous economic growth is not possible, we live on a planet with finite limited resources. We don't want developments to be given permission just because development itself stimulates the economy.

We have to start to limit development so that we don't continue to use up the Earth's precious resources. We need to learn to do more with less and consider reusing and refurbishing buildings, whilst conserving precious land and consuming less.

A transformative planning system shifts from the belief in continuous economic growth to acknowledging that growth of itself is not necessary for well-being. This means NPF4 needs to balance 'enabling' good development, with the prevention of unsustainable developments.

Currently the focus is on the former, the latter needs a lot more work. In essence we are urging the government to use NPF4 to enable planning to act as a regulator, as well as an enabler of public interest development.

Deadlines and details of where to go to respond.

The Scottish Government Consultation deadline is **31st March 2022**.

You can read the draft document [here](#)

<https://www.gov.scot/publications/scotland-2045-fourth-national-planning-framework-draft/>

You can respond to the consultation questions [here](#).

<https://consult.gov.scot/local-government-and-communities/draft-national-planning-framework-4/>

Send a copy of your consultation responses to your 8 MSPs (find out who they are [here](#)), will help to make sure the Scottish Parliament are aware of the public feeling about this document.

How to use this guide

There are 58 consultation questions. We have not provided answers to all of them.

You don't have to respond to all of them either!!

We have put information and suggestions there as a prompt, to get you thinking, and to help you draft your own response. You can cut and paste if you want to, but giving your own answers is even better!

Part 3 National Planning Policy (questions 22 -53) are arguably the most important part of this consultation as they will most directly affect policy changes.

We have provided answers to Parts 1 and 3, the Delivery section and the Annexes.

NB The Annexes are important to those wanting to comment on Housing Policy.

The Policy and QUESTION relating to that policy are in the same order as the draft NPF4 and the Government consultation.

We have provided some explanations to help give context and background (in boxes)

- and some **suggested** answers
- (in blue bullet points)
- to a lot of the questions.

It is up to you what you take from this document and put into your own response.

It is important to say what you do like as well as what you don't to ensure good policies are retained.

Handy Hint: To go directly to a policy or section hover your mouse over the Contents page titles and Press control (Ctrl) and click

Part 1 - A National Spatial Strategy for Scotland 2045

Sustainable places:

Q 1: DO YOU AGREE THAT THIS APPROACH WILL DELIVER OUR FUTURE NET ZERO PLACES WHICH WILL BE MORE RESILIENT TO THE IMPACTS OF CLIMATE CHANGE AND SUPPORT RECOVERY OF OUR NATURAL ENVIRONMENT?

Applaud and welcome the mention of the climate emergency and biodiversity crisis throughout the draft NPF4.

State how important it is that we focus our efforts on achieving this.

You can add that in order to transform the way we use our land and buildings so that *“every decision we make contributes to making Scotland a more sustainable place”*

- The ambitions in Part 1 spatial strategy need to link better with Part 3 and Part 4 of the draft NPF4
- Planning departments need better support services including ecologists
- Planners and councillors need training. eg in carbon accounting and net biodiversity gain to understand how to deliver better decisions
- We should be under no illusion that any development contributes to climate emissions and a good number have the potential to lead to a loss of biodiversity.
- NPF4 policies need to recognise that a reduction in environmental impacts cannot be achieved without downscaling current levels of production and consumption.
- NPF4 should be looking to stabilise or even reduce the per capita consumption of residential space and built-up land area. Such ideas are in keeping with the principles of compact towns and policies on 20 minute neighbourhoods and circular economy but is not explicit in the document.
- Policies need to be strengthened to reflect the level of ambition. Developments that contribute to net climate emissions or result in a loss of biodiversity are no longer acceptable. The bar needs to be set very high for exceptions to these policies.

Liveable places:

Q 2: DO YOU AGREE THAT THIS APPROACH WILL DELIVER OUR FUTURE PLACES, HOMES AND NEIGHBOURHOODS WHICH WILL BE BETTER, HEALTHIER AND MORE VIBRANT PLACES TO LIVE?

Welcome statements such as *“We hope to empower more people to shape their places”*.

In order to achieve this

- Communities need to be given the resources and active support to develop community led Local Place Plans
- Resources, support are needed to help to deliver community led developments in keeping with Community Wealth Building principles.
- Coupled with this should be the right to challenge unsustainable developments that don't conform to plans.
- Communities need a level playing field, where they are recognised as key stakeholders and given the same rights as developers, including a right to appeal planning decisions to approve permission; particularly on proposals that are questionably not in the public interest or do not conform with development plans.

Planning Democracy also recommend more creative ways of involving the public in planning. For example we are developing the idea of Public Interest Panels, (similar to current design panel models, but with community representation), which could be used as to assess public interest on large or controversial developments.

You could suggest better ways to make sure public engagement is more meaningful

Productive places:

Q 3: DO YOU AGREE THAT THIS APPROACH WILL DELIVER OUR FUTURE PLACES WHICH WILL ATTRACT NEW INVESTMENT, BUILD BUSINESS CONFIDENCE, STIMULATE ENTREPRENEURSHIP AND FACILITATE FUTURE WAYS OF WORKING – IMPROVING ECONOMIC, SOCIAL AND ENVIRONMENTAL WELLBEING?

The Scottish Government says it is going to shift our economy from one that is failing too many in our society and placing unsustainable demands on the environment to one that is centred on providing wellbeing for all, within environmental limits. However, the National Strategy for Economic Transformation is insufficiently progressed at this moment in time to know how it will be implemented.

This section states that the *“new National Strategy for Economic Transformation will set out how we can work together to recover from the COVID-19 pandemic and build a sustainable economy in the longer term. By helping to deliver this, planning will contribute to our short-term recovery, as well as our long term just transition to a net zero, nature-positive economy”*.

You might welcome the transition to a just and nature positive economy and the principle that development and investment decisions need to be guided by democratically-determined goals that benefit collective wellbeing, rather than by market forces alone.

This section needs to include a reflection that land is not a commodity, although sadly it is now seen primarily as a financial asset and the object of speculative lending and investment. It has become monetarised, something made to be bought and sold, but it should be viewed in terms of the social and environmental benefits it provides to us all, not the financial benefits to a few making money from land speculation.

Sustainable Places:

Q 22: DO YOU AGREE THAT ADDRESSING CLIMATE CHANGE AND NATURE RECOVERY SHOULD BE THE PRIMARY GUIDING PRINCIPLES FOR ALL OUR PLANS AND PLANNING DECISIONS?

Yes, we strongly agree that addressing climate change and nature recovery should be at the heart of the planning system and decision making.

The current wording in Draft NPF4 doesn't say that policies on climate and nature should be given more weight than other policies, so it's not clear how these issues will be considered in decisions.

Part 3 - National Planning Policy

Policy 1: Plan-led approach to sustainable development

Q 23: DO YOU AGREE WITH THIS POLICY APPROACH?

PD strongly support a plan led system of planning. A plan led system provides certainty for communities as well as developers and in theory provides a degree of democratic involvement and accountability.

Policy 1 repeats what is already in the legislation, (with the addition of the UN Sustainability Goals). The Town and Country Planning (Scotland) Act 1997 (which was updated in 2019), states, “The purpose of planning is to manage the development and use of land in the long-term public interest”. This policy does not actually provide any further policy or guidance on the plan led system. The policy should state that developments which stray from the plan should be actively and strongly discouraged, (*otherwise it defeats the purpose of development plans and wastes the time and resources spent by planners making up to date plans and the limited time and effort of the public who respond to consultations on Local Development Plans in a voluntary capacity in good faith*).

We recommend that

- proposals that do not comply with a Local Development Plan should have a strong presumption against approval,
- proposals should fit in with adopted Local Place Plan aspirations.
- Should also say what other plans might be taken into consideration, for instance local place plans.

Policy 2: Climate emergency

Q 24: DO YOU AGREE THAT THIS POLICY WILL ENSURE THE PLANNING SYSTEM TAKES ACCOUNT OF THE NEED TO ADDRESS THE CLIMATE EMERGENCY?

Over recent years, the central purpose of the planning system has essentially been the pursuit of ‘sustainable economic growth’. Planning is about facilitating the largely private sector development to bring forward development, regardless of its impact on climate or biodiversity. The policies on climate and biodiversity imply a huge, but welcome shift in the priorities of the planning system away from a focus on delivering economic benefits over climate and biodiversity concerns.

However if we are serious about planning to tackle the climate and nature emergencies, it stands to reason that we should not be planning for, or consenting to, any new development that will contribute to climate change or the loss of biodiversity unless it is absolutely necessary to meet social needs.

Given that nearly all built development will generate climate impacts, the Government need to be absolutely clear around where the development contributes sufficiently to the public interest to require planning permission.

We suggest that

- Welcome the policy intention that significant weight must be given to the Global Climate Emergency.
- Policy 2 should apply to Local Development Plans as well as proposals (planning applications) ie *The climate emergency must be given significant weight and priority in Local Development Plans*
- Policy 2 on climate change be given additional weighting over other policies.

- More linkage should be made between climate and biodiversity crises in the narrative as they are interlinked and of equal importance.

The policy 2c) states that exceptions can be made for developments with significant emissions, if it is proven that the level of emissions is the “minimum that can be achieved for the development to be **viable** and in the long-term public interest.

PD have concerns with the exemptions on viability, public interest.

We suggest

- The climate emergency policy must make it clear that emission reductions and a lack of support for high emitting developments is the policy’s **primary aim**.
- Exemptions should not be seen as a standard approach, but very much a last resort.
- The public interest exemption must be removed. Although significant emissions is not defined it is clear that any development that contributes significantly or even moderately to climate emissions cannot be viewed as being in the long term public interest.
- Significant emissions needs to be defined or made clear how it would be measured.
- Viability exemptions should be removed.

Viability Assessments are used to evaluate the economic viability of proposed development. Developers profit margins should not be a factor in deciding whether developments are in the public interest and should be permitted or not. Viability arguments might be used to encourage support for developments which will have significant emissions, which is not the policy intention. The inclusion of ‘viability’ in terms of commercial profit level here, would seem to disregard policy 5 Community Wealth Building in that it is concerned with extracting economic value.

Planning in Scotland is determined on a case by case basis and developers will be able to argue details on each application in appeals and in the courts. Providing an exemption that a development can be allowed if it can be proven that it is not economically viable, will run the risk of setting up a whole new world of legal challenges on what is and isn’t viable. The unintended consequence of the policy could be increased costs and resources to local authorities responding to challenges on viability.

Off setting emissions exemption: off setting is when developments with high carbon emissions are allowed to compensate by contributing, usually financially, towards measure to reduce emissions elsewhere, for instance tree planting.

The last section of policy 2c) states that off- setting might be allowed. It says that off setting can be off site if onsite is not possible. The acceptance of off-setting measures will have the effect of locking in emissions from high emitting developments and activities, the off-setting measure(s) will come with risks and environmental impacts.

- The policy should make it clear that off-setting should be a **last resort**.

Policy 3: Nature crisis

Q 25: DO YOU AGREE THAT THIS POLICY WILL ENSURE THAT THE PLANNING SYSTEM TAKES ACCOUNT OF THE NEED TO ADDRESS THE NATURE CRISIS?

Biodiversity is fundamental to life, yet planning decisions all too often underestimate its value and lack understanding of the impact of ecosystems and species loss that development inevitably brings with it.

- Agree that addressing climate change and nature recovery should be the primary guiding principles for all our plans and planning decisions.

Our natural world is fundamental to the regulation of greenhouse gases and protection against extreme weather. With the serious biodiversity losses we are currently causing, we are accelerating climate change and increasing our vulnerability to it.

The biodiversity and climate crises are interlinked and should be given equal status. At the moment policy 3 does not reflect the dual nature of the crisis and will not ensure that the nature crisis is fully addressed in practice.

- As currently worded, Policy 3a) begins by stating “a) Development plans should facilitate biodiversity enhancement, nature recovery and nature restoration across the development plan area”. The use of the word ‘should’ means that this is optional and ‘facilitate’ does not signal the strong, leading position that LDPs should take. This statement must be strengthened, for instance the wording could be changed to say ‘*Development plans must support and encourage the delivery of biodiversity enhancement, nature recovery and nature restoration across the development plan area*’.
- All public bodies have a legal duty to further the conservation of biodiversity and this must be reflected in local development plans
- Policy 3 should be amended to echo Policy 2a), for instance by stating ‘When considering all development proposals significant weight should be given to the nature crisis’.
- Biodiversity policies are to be given added significance and weight.

An assessment by the Association of Local Government Ecologists in 2016 found that there is huge variation across different UK planning authorities in the quality of ecological reports they use to assess development applications. Many ecology posts have been cut across local authorities creating enormous difficulties and discrepancies in in-house expertise and experience across Scotland.

- In order for this policy to be effective local planning authorities must be resourced properly.
- Every local authority should have adequately resourced and trained ecologists and environmental planners.

It is not clear how developments can deliver ‘positive effects for biodiversity’ or how positive effects will be measured and monitored. Without clear policy there will be an inconsistent approach across Scotland. Without a statement about how much enhancement is needed, developers could get away with doing very little and measures which don’t last long

- A strong government position is needed for mandatory enhancement or biodiversity net gain across Scotland, with a consistent and measurable tool for everyone.
- The policy needs to be implementable by Local Planning Authorities so that there is a real change, and planning plays its part in halting and reversing biodiversity loss

Overall cumulative damage to habitats and ecosystems needs to be taken into account, particularly in areas of high development pressure.

- Add a policy that requires proposals and plans to take into account surrounding pressures and cumulative impacts.
- A Scottish Nature Network should be included in NPF4, so there is an strategic approach to an ecological network across Scotland linking nature rich sites. This would help to deliver enhancement, protecting existing links and directing enhancement to areas where it could help the network grow and develop. Without inclusion in NPF4 there is a greater risk local authority approaches won't be coordinated

Policy 4: Human rights and equality

Q 26: DO YOU AGREE THAT THIS POLICY EFFECTIVELY ADDRESSES THE NEED FOR PLANNING TO RESPECT, PROTECT AND FULFIL HUMAN RIGHTS, SEEK TO ELIMINATE DISCRIMINATION AND PROMOTE EQUALITY?

The principle of participation is backed up at the international level by the Aarhus Convention (to which the UK is a signatory) that grants the public rights regarding access to information, public participation and access to justice in environmental decision-making

Whilst the principle of public participation in planning is widely accepted, members of the public face a number of substantial disadvantages when they try to engage with the planning system. A true commitment to ensuring democratic planning requires proactive effort to ensure that there is 'equality of arms' between all of the actors influencing and affected by a decision (developers, public authorities, and the wider public). At present, however, this is far from the case. Communities face disadvantages in terms of access to information, expertise, time and awareness and financial costs. With regard to the access to justice aspect: Planning Democracy campaigned hard with many members of the public to enable communities to have the right to appeal decisions where a proposal runs contrary to the development plan. This would provide a strong incentive for developers to stick to the plans, or run the risk of an appeal.

A recent ruling by the Compliance Committee on the Aarhus Convention found Northern Ireland to be non compliant with the Convention due to a lack of 'third party rights of appeal'. Scotland could therefore also be said to be non compliant as the planning system is similar, with no appeal rights for communities (third parties).

However equal rights of appeal cannot be granted through the NPF4, it requires legislative change. But we ask you to continue to raise the current inequality of the planning system through this consultation.

- This policy should recognise that to achieve equality in the planning system communities should have the same rights and opportunities as developers. This includes the right to appeal the planning decisions that are guided by the policies contained within NPF4. Providing communities with a right to appeal will also help deliver Policy 1 Plan-led approach.

Policy 5: Community wealth building

Q 27: DO YOU AGREE THAT PLANNING POLICY SHOULD SUPPORT COMMUNITY WEALTH BUILDING, AND DOES THIS POLICY DELIVER THIS?

Community wealth building is not defined in Draft NPF4 and may mean different things to different people.

This requires a culture change in planning with social and environmental values being front and centre of planning decisions.

This is a chance to create a definition that encompasses principles such as democratic renewal.

- Scotland's model for community wealth building should be seen as a broadly transformational model, not merely as a means of achieving local procurement. In its broadest and most transformative sense it could be seen as a vehicle to renew democratic participation by putting local communities at the heart of the planning process.
- CWB should be a means to achieving broad socio economic changes that encompass social and values of co-operation rather than individualism and competition. It can act as a means to stimulate the thinking around the civic duty of developers.

Policy 7: Local living

Q 29: DO YOU AGREE THAT THIS POLICY SUFFICIENTLY ADDRESSES THE NEED TO SUPPORT LOCAL LIVING?

- Welcome the recognition of the importance of providing communities with local access to natural spaces as well as other to the facilities.
- Welcome the support for people to choose to travel by other means than private car
- This is not a new idea and needs to be delivered in practice

Policy 8: Infrastructure First

Q 30: DO YOU AGREE THAT THIS POLICY ENSURES THAT WE MAKE BEST USE OF EXISTING INFRASTRUCTURE AND TAKE AN INFRASTRUCTURE FIRST APPROACH TO PLANNING?

- Support the infrastructure first approach
- The policy must make clear that this includes natural infrastructure (the definition in the Infrastructure Investment Plan should be used)
- A national nature network would support the infrastructure first approach by supporting natural infrastructure across Scotland

Policy 9: Quality homes

Q 31: DO YOU AGREE THAT THIS POLICY MEETS THE AIMS OF SUPPORTING THE DELIVERY OF HIGH QUALITY, SUSTAINABLE HOMES THAT MEET THE NEEDS OF PEOPLE THROUGHOUT THEIR LIVES?

Access to a safe and healthy home is a basic human right and a social necessity. There is a need for more affordable homes for those unable to afford market-rate housing. But new housebuilding, the infrastructure required and the subsequent use of new homes will all generate emissions, however well they are designed. And if badly planned, they will generate even more.

It's therefore crucial that

a) new housing is built to meet social *needs* as *efficiently* as possible and

b) that new homes are located and built in ways that enable people to minimise their impact on the environment and live well.

Any unsustainable house-builds are storing up downstream costs and problems for later that the state ie taxpayers end up suffering or paying for in social terms including non-active lifestyles, pollution, paucity of greenspace and connection with nature and the straining of health and education services and of course not least adding to our already considerable climate and environmental problems.

Fundamentally, Planning Democracy disagree with the focus on private sector housing to deliver housing needs, because private developers are more suited to fulfilling housing demand for executive homes rather than a diverse range of housing that people need. Their business models and the way they use land for housing is inefficient because their motive is to make profits, not to build affordable or sustainable housing.

We believe housing is better delivered through public led planning, where local authorities can 'assemble' land and deliver affordable housing through public/ private or better still *public/ community led partnerships*.

What is right with the new housing policies?

The NPF4 removes some of the problems in the previous NPF3, where some policies (known as the Presumption and 5 year effective housing land supply) were no longer being interpreted in the way that was intended due to a number of aggressive court challenges by volume house builders. The Government have removed these policies which is a good thing as it may mean that volume house builders are no longer able to force planners to give unsustainable greenfield sites planning permission, which they were able to do as these policies led to the so called 'tilted balance' whereby the need to fulfil the 5 year effective housing land supply overrode any other sustainability criteria. They have introduced some good policies for example we agree that the allocations for new homes should be consistent with the principles of 20 minute neighbourhoods and an infrastructure-first approach and that development proposals should reflect the six qualities of successful places.

What is wrong with the housing policies?

There is a legal requirement for NPF4 to include '*targets for the use of land in different areas of Scotland for housing*' which Scottish Government intend to meet by requiring all local authorities to have a Housing Land Target that meets a 10 year **Minimum All-Tenure Housing Land Requirements (MATHLR)** for each planning authority and an overall figure for Scotland for 200342 units over the next 10 years.

PD suspect that the SG are under pressure to write the housing policies in a way that defends them from future legal challenges by volume house builders (which might overturn the whole of the NPF4). We think this is why there is an overly generous housing land requirement.

But these housing policies and the MATHLR figures have been developed without considering the climate or biodiversity impacts of housing, because the climate emergency and biodiversity crises have only been given more prominence in the more recent NPF4. We are told that the assessment of

how much climate emissions will be produced by the housing land requirement is left to the local authorities to determine at the Local Development Plan process.

In addition and importantly they do not address affordability of housing. It is not in the private sector's interests to reduce house prices. Therefore, under the current policy (9h) where "a contribution to the provision of affordable homes on a site is at least 25% of the total number of homes", we need 4 houses to be built for every affordable house that can be negotiated through section 75 agreements. This is very inefficient in terms of land use for producing the most needed housing.

Because the Delivery Programme section of NPF4 is not fully developed it isn't guaranteed that arguments over housing land supply figures have been removed from the system.

In response we are asking:

Delivery of climate and nature friendly housing

- Policy hierarchy needs to be clear and significant weight given to the climate emergency and biodiversity crises including with respect to housing developments.
- There is a policy requirement in NPF4 requiring Local Development Plans to carry out an assessment of how housing needs can be achieved using the least damaging sites and lowest means of climate emissions using a combination of retrofit, renovation, conversion and new build and to assess the impact of building out the entire MATHLR, which is focussed on new build.
- A new policy of building reuse first (similar to the brownfield site first policy 30 c)) be developed. Building re-use is mentioned in Policy 27 and Policy 28 but an overall clear approach/guidance is not set out. A clearer steer is required that addresses the embodied energy and carbon in existing buildings not just whether their previous use is no longer viable.
- Climate policies in NPF4 policy 2c) which are applicable to proposed housing developments, should not include exemptions on grounds of viability.
- Support the first sentence of 9(i) "New homes on land not identified for housebuilding in the Local Development Plan should not be supported". However, the exception that "overall progress in the build-out of sites included in the housing land pipeline is exceeding delivery timelines set out in the most up-to-date delivery programme for the plan" needs clarification. Although it is important that the third bullet that "the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including on 20 minute neighbourhoods, rural places and infrastructure" is retained.
- Local Development Plans should include an assessment of how to meet housing need in the most climate efficient way (for example encouraging a combination of retrofit, renovation, conversion and new build).

Protecting against greenfield developments

- Greenfield housing developments around urban centres should be prevented by a moratorium (as recommended in the Town Centres Review 2021) and supported by draft NPF4 policies 29 d) and 30 c).
- Housing density should be sufficient to reduce the average housing land required to a minimum.

Ensuring the right type of houses are allocated in the right places.

- Local Development Plans should allocate land for *specific* tenures including social, affordable, self build and community or public led housing only. The policy aim should be to focus finite land resources towards developing land for housing need, not market demand.

Enabling communities and local authorities to deliver our housing needs

- The requirement of the legislation is to meet housing needs, but this can be achieved via public and community led planning as well as through the private sector. However, there is not enough to assist this approach in NPF4.
- Local Development Plans should state how public development corporations and community development corporations will be supported to assemble land and proactively manage the development of housing where it is needed by local residents, in line with Local Place Plans.
- Policies should welcome and support community led housing proposals to demonstrate commitment to enabling communities to deliver housing needs and to work towards a Community Wealth Building approach to housing.

Improving the new Statement of community benefit

- The statement of community benefit proposed in 9e) should be expanded to address positive and negative environmental changes that will impact the local community.
- NPF4 should make it clear how a community might be involved in the development/assessment of these statements or be able to highlight any oversights.
- NPF4 should make clear how the community benefit statement will be used as a basis for improving the development or as a means of putting in place meaningful and enforceable planning conditions

Housing Figures

- The population data needs to be up to date and housing targets should not be inflated. Current figures reflect pre Brexit and Covid situation.
- The method of setting the targets should not artificially inflate housing figures.
- We disagree with the addition of an additional flexibility allowance of 25% urban and 30% rural areas, there is no justification given for the high percentages.

Policy 10: Sustainable transport

Q 32: Do you agree that this policy will reduce the need to travel unsustainably, decarbonise our transport system and promote active travel choices?

- Agree that the planning system should support development that minimises the need to travel unsustainably.
- Welcome Part g) of policy 32, 'Design of new transport infrastructure can be a valuable opportunity to incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems) where possible'.

Policy 12: Blue and green infrastructure, play and sport

Q 34: DO YOU AGREE THAT THIS POLICY WILL HELP TO MAKE OUR PLACES GREENER, HEALTHIER, AND MORE RESILIENT TO CLIMATE CHANGE BY SUPPORTING AND ENHANCING BLUE AND GREEN INFRASTRUCTURE AND PROVIDING GOOD QUALITY LOCAL OPPORTUNITIES FOR PLAY AND SPORT?

- Welcome the aims of the policy which seeks to support and enhance blue and green infrastructure
- The importance of the responsible right of access on open land, and of existing access routes should be recognised, (currently not stated)
- Welcome the recognition that blue and green infrastructure can provide a range of benefits to peoples' health and wellbeing and provide important shared community spaces while offering benefits to biodiversity and climate mitigation and adaptation.
- Concern that this policy covers too many different things and might be seen as a substitute for a nature network which would have a different, main function
- Although green and blue infrastructure would feed into a national nature network, this policy is focussed on settlements and edge of settlement areas and wouldn't include nature rich places across the whole of Scotland

Policy 13: Sustainable flood risk and water management

Q 35: DO YOU AGREE THAT THIS POLICY WILL HELP TO ENSURE PLACES ARE RESILIENT TO FUTURE FLOOD RISK AND MAKE EFFICIENT AND SUSTAINABLE USE OF WATER RESOURCES?

- The policy should include coastal flooding
- The desirability of using natural measures to address flooding is welcomed,
- The wording should be strengthened to say that SuDS should have multiple benefits, including for biodiversity
- The best sustainable drainage schemes incorporate a range of habitats that are good for water management and also good for wildlife.
- Consideration should be given to how SuDS and other measures contribute to wider strategic goals, like the local biodiversity action plans.
- To ensure this policy helps the delivery of positive effects for biodiversity, it needs to highlight the part that flood management should play in enhancing nature networks, creating new habitats, combating climate change and mitigating the effects of climate change.
- It should however be made clear this policy sits alongside policy 33 (Peat and carbon rich soils) as restoring and keeping peatland areas healthily can help reduce downstream flooding issues as well as storing carbon.
- Creating and restoring habitats such as ponds, wetlands and woodlands can also help reduce run off and contribute to a Scotland wide nature network.
- Want to also see recognition of the need to protect and enhance the contribution undeveloped open land (including Green Belt) around urban centres to enable natural flood risk management.

Policy 14: Health and Wellbeing

Q36: DO YOU AGREE THAT THIS POLICY WILL ENSURE PLACES SUPPORT HEALTH, WELLBEING AND SAFETY, AND STRENGTHEN THE RESILIENCE OF COMMUNITIES?

- Would like to see greater clarity that development proposals that will be detrimental to active lifestyles, health and wellbeing will not be supported.

Policy 19: Green energy

Q 40: DO YOU AGREE THAT THIS POLICY WILL ENSURE OUR PLACES SUPPORT CONTINUED EXPANSION OF LOW-CARBON AND NET ZERO ENERGY TECHNOLOGIES AS A KEY CONTRIBUTOR TO NET ZERO EMISSIONS BY 2045?

We need renewable energy to tackle the climate crisis but renewable energy developments, often have an impact on nature and this needs to be recognised

- A plan led approach must recognise constraints on development and guide development to most suitable areas
- The need to produce spatial locational guidance at Local Authority level, which is in the current SPP, should be reinstated.

Biomass

Given the climate emergency and net zero target, large biomass plants are unlikely to be suitable for inclusion as renewable generation, as there is a need to consider lifecycle carbon emissions. The demand for bioenergy feedstocks can also pose risks to wildlife and habitats.

- ‘Renewable energy’ and ‘low carbon fuels’ are not currently defined in Policy 19 and that this could lead to planning permission being granted for new wood-burning biomass plants, despite the detrimental [biodiversity, climate](#) and [health impacts](#) of wood combustion on a large scale.
- Recommend a planning presumption against new medium-sized and large-scale wood burning plants. Please note that we are using the terms ‘medium-sized’ and ‘large-scale’ to have the same meaning as under environmental permitting rules. Under the definition, a biomass plant burning as much as 300,000 tonnes of wood a year would be ‘medium-sized.’

Solar

- The policy wording should be strengthened to ensure solar arrays do not adversely affect protected species and habitats, and this should be included in the list of considerations, for solar development.

Peatlands

- Windfarms often impact on peat and carbon rich soils. Guidance needs to be provided on how to assess impacts these area, including the impact on carbon released when such soils are damaged and removed.

Policy 24: Town Centres Policy 25 Retail, Policy 26 and 27 Town centre living

Q45 DO YOU AGREE THAT THESE POLICIES WILL ENSURE SCOTLAND'S PLACES WILL SUPPORT LOW-CARBON URBAN LIVING?

- Support policies 24 and 25

Policy 29: Urban edges and the green belt

Q 47: DO YOU AGREE THAT THIS POLICY WILL INCREASE THE DENSITY OF OUR SETTLEMENTS, RESTORE NATURE AND PROMOTE LOCAL LIVING BY LIMITING URBAN EXPANSION AND USING THE LAND AROUND OUR TOWNS AND CITIES WISELY?

- Support the section titled "Urban edges and the green belt" and the clear setting out of the multiple benefits of green belts set out in the 2 paragraphs of preamble and policy 29 a).
- Support the clear link in policy 29 a) between the protection of green belts and the prevention of unsustainable development with resulting benefits to the environment and quality of life.
- Support the potential range of developments but it should be made clear that the mainly open landscape of the green belt should be protected as should the ability for people to access it.
- Support the wording of 29c) that the primary consideration will be whether the development could instead be located on an alternative site outwith the green belt and why a green belt location is essential. The wording relating to the qualities of successful places should mirror that used elsewhere in the document and say "the six qualities of successful places" to make clear it refers to those set out in policy 6.
- Support the protection being given to prime agricultural land, and to land of lesser quality that is culturally or locally important for primary use, except where it is essential.
- Give a tighter definition of 'established need' for development given the climate and biodiversity crises and the cumulative "cost" to the environment of all development as referred to in 29b.

Policy 30: Vacant and derelict land

Q 48: DO YOU AGREE THAT THIS POLICY WILL HELP TO PROACTIVELY ENABLE THE REUSE OF VACANT AND DERELICT LAND AND BUILDINGS?

Existing buildings are an important carbon store, and sensitive and creative reuse reduces our environmental footprint, and maintains our local environments, reducing the need for greenfield developments. To achieve a more environmental planning system we should prioritise repurposing existing housing stock and buildings, bringing empty homes back into use, using vacant and derelict sites and brownfield sites of low ecological value.

However, some brownfield sites can have a high biodiversity value and provide an important refuge for plants and wildlife, on some occasions holding more rare and threatened species than ancient woodland

- Support the policy for local development plans to seek to reuse vacant and derelict land as a priority,
- Support policy 30 c) "Proposals on greenfield sites should not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the development plan, and there are no suitable brownfield alternatives"

Recommend

- Generally welcome the re-use of existing housing stock and other existing buildings and bringing empty homes back into use, this is good in terms of reducing carbon emissions and further greenfield expansion
- Include a requirement that a full assessment is made of the contribution existing brownfield sites make to biodiversity.
- Incorporation of extra wording to the policy 30a) Local Development Plans should seek to reuse vacant and derelict land “where a return to a natural state is not likely”

Policy 32: Natural places

Q 50: DO YOU AGREE THAT THIS POLICY WILL PROTECT AND RESTORE NATURAL PLACES?

- Welcome the preamble that states “the natural environment underpins our economy, health and wellbeing, biodiversity and climate resilience
- Welcome recognition of the need to protect, restore, and enhance nature

The detail of Policy 32 does not fully support the ambition of the NPF4 nor the Scottish Government’s statement of intent to address the biodiversity crisis and will not protect and restore ‘natural places’. The Scottish Government has a commitment to introduce a new Natural Environment Bill in this parliamentary session that will see new targets set for nature restoration on land and seas, planning needs to help deliver on this. If the wording is not strengthened, Policy 32 contains little that improves upon the protections in NPF3 and existing Scottish Planning Policy.

In part a) the wording needs to be clearer, the term ‘valued’ is ambiguous in this context.

- The wording should be changed to say that all European, Ramsar and SSSI sites must be identified and protected
- All public bodies have a legal duty to further the conservation of biodiversity and this must be reflected in this policy
- Welcome reference to nature networks but its not clear how these will be delivered and there is a need for a **national** nature network across a Scotland
- Biodiversity everywhere needs to be protected not just in the most protected sites, policy should also reflect this.
- Part c) doesn’t give any policy position but just refers to regulations. The policy needs to clearly set out that development should not damage European sites and there is a very strong presumption against this. If this is not done developers might think its ok to damage our most protected wildlife areas
- If the loss of biodiversity is to be halted and reversed the focus cannot simply be on already protected sites. Non-statutory sites, such as local nature reserves, and species and habitats everywhere a are also really important
- Policy 32 needs to really emphasis that harm to nature should be avoided whenever possible, if it can’t be avoided then impacts mitigated. If there is still some harm caused then this must be compensated for, for instance planting trees to replace those removed or damaged.
- Paragraph 180 of the National Planning Policy Framework for England has useful wording and states:

- “When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.”

Policy 33: Peat and carbon rich soils

Q 51: DO YOU AGREE THAT THIS POLICY PROTECTS CARBON RICH SOILS AND SUPPORTS THE PRESERVATION AND RESTORATION OF PEATLANDS?

Scotland’s peatlands cover more than 25% of the land and form a very rare habitat, capable of storing carbon while giving a home to many wildlife species. The UK Committee on Climate Change has been unequivocal about the critical role of peatland restoration in meeting Scotland’s net zero target. They are one of our country’s most important natural habitats. Peat and carbon rich soils have a critical role to play in addressing the climate emergency and reversing biodiversity loss

Agree that local development plans should protect valued soils.

- Express concerns over part c) of this policy, the language needs to be strengthened so there are not too many loop holes for what development would be acceptable on peatland and carbon rich soils
- Policy 33c) still states certain development could be acceptable on peatland and carbon rich soils. Cumulatively these could be significant. Exceptions must be monitored and measured to monitor peatland loss.
- There needs to be clear guidance on how decision makers assess what are acceptable impacts on peat
- Guidance on how to assess the likely effects of development on CO2 emissions will be required. There is no mention of the carbon calculator which is currently used in the assessment of windfarms of 50MW and above
- There are also exemptions given to the ban on commercial peat extraction, possibly for the whisky industry which may be the “industry of national importance to Scotland”. If so perhaps this should be named to avoid this opening up development to a wide range of industries.

Policy 34: Trees, woodland and forestry

Q 52: DO YOU AGREE THAT THIS POLICY WILL EXPAND WOODLAND COVER AND PROTECT EXISTING WOODLAND?

Welcome the acknowledgement of the importance of trees and woodland to meeting climate targets and reversing biodiversity loss and the new protections given to ancient woodlands and veteran trees.

Agree that local development plans should identify and protect existing woodlands and identify potential for woodland expansion – but expansion must be sensitive to other habitats that have a high biodiversity value (i.e. grasslands).

This is a considerable improvement on the ambiguity of current Scottish Planning Policy and does have the potential to eliminate inappropriate development as a threat to ancient woodlands, and ancient and veteran trees. However, to allow planners and developers to comply with these policy changes the following will need to happen:

- Scottish Government must see through the SNP manifesto and Programme for Government ancient woodland register commitment so that the current Ancient Woodland Inventory (AWI) is updated and made fit for purpose.
- Local authorities must be resourced with biodiversity and tree officers associated with their planning departments.
- As is the case for ancient woodlands, there needs to be an ancient and veteran tree inventory such as the Woodland Trust's Ancient Tree Inventory, to ensure planners and developers can comply with the requirements of policy 34.
- We also encourage a definition of ancient woodland to be added to the Glossary.

Part 4 - Delivery

Delivering our spatial strategy

Q 55: DO YOU HAVE ANY OTHER COMMENTS ON THE DELIVERY OF THE SPATIAL STRATEGY?

Monitoring:

As far as we are aware, there is no evidence that there is consistent monitoring of whether developments are, or are not, complying with development plans. Planning Performance Framework guidelines brought out by Heads of Planning in June 2021 do not require any monitoring of Local Development Plan compliance.

- If the primary policy of NPF4 is to ensure a plan led system, monitoring needs to be introduced on a national level to assess whether the key policy is actually being achieved.

Planning in the public interest.

We support the recognition in policy 1 that local development plans should manage the use and development of land in the long term public interest. However public interest is not an easy term to define, much like sustainable development. To ensure this public interest development is achieved the NPF4 should introduce a requirement for all new development to be subject to a set of 'public interest tests'.

- We would welcome exploration of the idea of introducing public interest panels.
- While we welcome the community benefit statements introduced by the NPF4, our concern is that these are likely to become more tickbox exercises carried out by the developer, with no real meaning.

Resourcing

- Local planning authorities must be resourced properly.
- Every local authority should have adequately resourced and trained ecologists and environmental planners.

Training

- To deliver the climate and biodiversity policies training for planners and decision makers such as elected councillors must be carried out for example in assessing carbon emissions of developments.

Part 5 - Annexes

Annex A

Q 56: DO YOU AGREE THAT THE DEVELOPMENT MEASURES IDENTIFIED WILL CONTRIBUTE TO EACH OF THE OUTCOMES IDENTIFIED IN SECTION 3A(3)(c) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997?

There is nothing particularly in this document that convinces us that development will be delivered differently or more sustainably. Policies do not provide strong enough detail and are not weighted sufficiently in favour of good development. Importantly there is little that convinces us that the wrong type of development will be prevented through these policies. There is little space or creativity in this document to challenge the systems that need to change in order for Scotland to deliver on biodiversity, housing, or biodiversity outcomes.

Annex B

Q 57: DO YOU AGREE WITH THE MINIMUM ALL-TENURE HOUSING LAND REQUIREMENT (MATHLR) NUMBERS?

There is now a legal requirement for NPF4 to include '*targets for the use of land in different areas of Scotland for housing*' which Scottish Government intend to meet by requiring all local authorities to have a Housing Land Target that meets a 10 year **Minimum All-Tenure Housing Land Requirements (MATHLR)** for each planning authority and an overall figure for Scotland.

The large amount of land being allocated introduces uncertainty about where to target infrastructure investment and whether it's possible to ensure the right sites are developed in the right way to make 20 minute neighbourhoods a reality. In doing so it is at odds with any planned route towards a zero carbon future. The proposed MATHLR are calculated from 2018-based Principal Household Projections from National Records of Scotland (NRS) and Scottish Government existing household need data. The 2018 projections are LOWER than those for 2016 (due to expected drops in birthrate and migration and life expectancy improvement stalling) but were estimated pre-Covid and Brexit and the subsequent DROP in population growth.

Despite this a number of Local Authorities have pressed for uplifts in the MATHLR for a variety of reasons including in some cases economic policy aspirations.

The proposed NPF4 MATHLR also includes a 'flexibility allowance' of 25% for urban and 30% for rural areas. This is similar to the current 'generosity' figure providing the contingency or over-programming of land to allow for changes with sites, but is larger to supposedly reflect the longer timeframes of LDPs (10 years rather than 5) This flexibility allowance included in the MATHLR has been set without any rationale being provided for the level at which it has been set, which is considerably higher than the 'lapse rates' of 2-5% evidenced by Lichfields in their Sept 21 report on UK housing pipelines.

The calculation methodology used to reach the MATHLR always rounds the housing figures upwards and does not take into account population declines. This means where aspirational increases are proposed in one area there are no balancing reductions in housing units required elsewhere in the country and the national figure continues to rise. The Scotland-wide MATHLR amounts to 200,342 units, which represents a "flexibility percentage" of 77% over and above the Housing Needs and Demand Assessment (HNDA) tool result of 112,769 which is 87,573 units more than the stated need. This is an astonishing contingency and highly concerning if this is considered a minimum figure.

Despite all the above the MATHLR is still presented as a 'minimum number of new housing units needed' when that is not the case.

- The population data needs to be up to date and housing targets should not be inflated. Current figures reflect pre Brexit and Covid situation.
- The method of setting the targets should not artificially inflate housing figures.
- We disagree with the addition of an additional flexibility allowance of 25% urban and 30% rural areas, there is no justification given for the high percentages.
- The MATHLR is not a **minimum** requirement which implies it represents the minimum number of housing units needed to fulfil real housing need. It is already inflated by the method used to arrive at it, has generous flexibility added (ie a large contingency) and doesn't distinguish between real need and wider demand (choices based on ability to pay).
- An **all tenure target** will not deliver efficiently on the affordable and specialist need housing that is really needed but will allow more market rate “executive” homes to be given permission and built by volume house builders. This market housing is more profitable but it's social, affordable or specialist adapted housing that is most needed. This priority has been recognised in the Programme for Government but somehow needs to be reflected in planning policy (SPP).
- Referring to the HLR in policy 9a as the “housing target” is confusing for people. It is not an absolute target for housing to be built

GLOSSARY

A lot of terms are not well defined, such as Community Wealth Building and Ancient Woodland. You could ask for more detailed definitions in the glossary section.